

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Howard Thompson, III, #200503217,)	
)	C/A No.: 3:06-1461-MBS
Plaintiff,)	
)	
vs.)	
)	O R D E R
Joey Preston, County Administrator;)	
David Crenshaw, Sheriff; Nikki N. Carson,)	
Detective; Pete J. Normandin, Detective,)	
)	
Defendants.)	
)	

Plaintiff Howard Thompson, III is a pretrial detainee at the Anderson County Detention Center in Anderson, South Carolina. Plaintiff, appearing pro se, filed a complaint pursuant to 42 U.S.C. § 1983 on May 12, 2006, asserting that Defendants are guilty of tampering with evidence and obstructing justice. Plaintiff seeks the dismissal of his underlying state criminal charges.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Joseph R. McCrorey for pretrial handling. The Magistrate Judge reviewed the complaint pursuant to the provisions of 28 U.S.C. §§ 1915 and 1915A and the Prison Litigation Reform Act of 1996. On June 7, 2006, the Magistrate Judge filed a Report and Recommendation in which he recommended that the complaint be dismissed because any claims for damages relating to Plaintiff's pending criminal prosecution are barred by Heck v. Humphrey, 512 U.S. 477 (1994). Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is

made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court concurs in the Report and Recommendation and incorporates it herein by reference. The case is dismissed *without prejudice* and without issuance and service of process.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

June 30, 2006

Columbia, South Carolina

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.